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GROUP 2700

- (1) DE 195 34 789 A1
- (2) DE 41 36 065 A1
- (3) DE 195 29 182 A1

Present claim 1 (February 20, 1997) is indefinite, because it cannot be learned unambiguously which characteristics in the body portion of the claim are meant to be covered by the term "preferably", which expresses an option. Characteristics described as "preferable", not being required in order to be enabling, do not belong in the claim.

Claim 1 is already not allowable for this reason.

As prior art, see references (1) - (3) cited above.

In the radio device known from reference (1) (mobile phone; see column 1, line 6), various functions of the device are selected and activated by control elements (106, 110-118 in Fig. 1) and also displayed on a display device 108 (see also Fig. 2 and Fig. 3A). Some of the control elements are disposed in the immediate vicinity of the display device 108; see reference numerals 110-110 with the associated symbols in the drawing, indicating the local association between control element and display on the display device.

In view of this, it is expected that even an amended new claim 1 would not be allowable, at least for lack of the level of invention of its subject, over the mobile phone known from reference (1).

With regard to the disposition of control elements laterally of the display device, see also the further reference (2). There, according to the drawing, various control elements are located laterally on the right next to the display field on which the corresponding symbols are

displayed. According to the specification in column 2, lines 28-30, this device is employed not only in consumer electronics but also in mobile phones and cell phones.

Reference (3) also shows a radio device with control elements 5 in the vicinity of the display device 2 (see also Fig. 1 and column 1, lines 37 and 38).

Since the characteristics recited in the dependent claims, such as lightable control elements, operation menus, telephone number memories, alphanumeric keyboard, and so forth are prior art as well, as can easily be learned from the references cited, even a new claim 1 supplemented with those characteristics could not be found to have a substance that is grounds for an invention.

Given this situation, allowance of a patent to the subject of the application cannot be expected.

Examiner for Class H 04 B

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Enclosure:

Photocopy of three references